

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

OSCAR J. GARCIA, MARILYN M. PRADO,  
CRISTOBAL I. YUCUPICIO, VICTOR M.  
AVALOS, AND CAROLINA B. LARA,

Defendants.

**4:16CR3038**

**ORDER**

Defendants Prado, Lara and Avalos have moved to continue the pretrial motion deadline, (filing nos. 76, 77, and 78), because, due to the volume of discovery at issue, the defendants and defense counsel need additional time to fully review the discovery received before deciding if pretrial motions should be filed. The motion to continue is unopposed. Based on the showing set forth in the motion, the court finds the motion should be granted. Accordingly,

IT IS ORDERED:

- 1) Defendants' motions to continue, (filing nos. 76, 77, and 78), are granted.
- 2) **As to all defendants**, pretrial motions and briefs shall be filed on or before May 31, 2016.
- 3) **As to all defendants**, trial of this case is continued pending resolution of any pretrial motions filed.
- 4) The ends of justice served by granting the motion to continue outweigh the interests of the public and the defendant in a speedy trial, and
  - a. **As to all defendants**, the additional time arising as a result of the granting of the motion, the time between today's date and May 31, 2016, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because although counsel have been duly diligent, additional time is needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1), (h)(6) & (h)(7).
  - b. Failing to timely object to this order as provided in the court's local rules will be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.

April 28, 2016.

BY THE COURT:

*s/ Cheryl R. Zwart*

United States Magistrate Judge